



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

September 18, 2012

REPLY TO THE ATTENTION OF:

Anthony DeBonis, Jr.
Smith & DeBonis, LLC
214 Main Street
Hobart, IN 46342

Re: Request for Extension of Time to Submit Comments on the Proposed Plan for OU1 at the
USS Lead Superfund Site

Dear Mr. DeBonis:

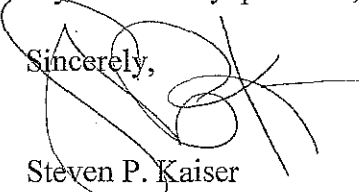
On September 17, 2012, you sent me an email in your capacity as Special Counsel to the City of East Chicago, Indiana (the City) and Counsel to the East Chicago Sanitary District (the Sanitary District). In the email, you requested that the U.S. Environmental Protection Agency (EPA) extend until September 25, 2012, the deadline for the submission of public comments on the proposed plan for Operable Unit 1 at the USS Lead Superfund Site.

The public comment period was originally scheduled to close on August 11, 2012. In response to timely requests by the City and Sanitary District, and by ARCO, EPA extended the deadline for public comments for all persons until September 12, 2012.

Five days after the close of the public comment period, EPA received your request for another extension of time to submit comments on the proposed plan. In light of the previous extension of time and the untimely nature of your current request, EPA is denying the request. EPA will not consider any comments submitted after the close of the public comment period before issuing a Record of Decision. Please note that EPA is considering and will address all verbal comments made by representatives of the City during the public meeting held on July 25, 2012. EPA may consider comments received after the close of the public comment period as appropriate during the design phase of the remedial process.

If you have any questions, please do not hesitate to call me. I may be reached at (312) 353-3804.

Sincerely,


Steven P. Kaiser
Associate Regional Counsel

Cc: Michael Berkoff (Remedial Project Manager)



Extension of Time to File Comments--City of East Chicago

Tony DeBonis

to:

Steven Kaiser

09/17/2012 11:48 AM

Hide Details

From: Tony DeBonis <tony@sd1law.pro>

To: Steven Kaiser/R5/USEPA/US@EPA,

History: This message has been forwarded.

1 Attachment



image001.png

Dear Mr. Kaiser:

As you will recall, the undersigned is Special Counsel to the City of East Chicago and Counsel to the East Chicago Sanitary District. You previously granted a thirty-day extension of time through September 10, 2012 to file comments on behalf of my clients on the proposed plan for Operable Unit 1 of the U.S. Lead Refinery Superfund Site in our city. We have not been able to complete the preparation of these comments within the time allowed, but expect to have them completed and delivered to you by September 25, 2012. Accordingly, I ask for an additional 15 day extension to and including that date.

Thank you for your attention to this matter. I would appreciate having your communication as to whether this request is granted at your earliest convenience. We look forward to submitting the comments by the 25th.

ANTHONY DeBONIS, JR.



Smith & DeBonis, LLC
ATTORNEYS AT LAW

Anthony DeBonis Jr.
214 Main Street
Hobart, Indiana 46342
Tel: 219-940-9963
Fax: 219-940-9965
Tony@sd1law.pro
www.smithanddebonis.pro

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Fw: URGENT QUESTION: Extension of Time to File Comments--City of East Chicago - USS Lead proposed plan

REBECCA FREY to: Steven Kaiser

09/18/2012 11:55 AM

Cc: Michael Berkoff

From: REBECCA FREY/R5/USEPA/US
To: Steven Kaiser/R5/USEPA/US@EPA,
Cc: Michael Berkoff/R5/USEPA/US@EPA

Steve,
The NCP says that requests for extensions must be "timely." The City's request in this case was not timely, as it was made 5 days after the close of the already-extended comment period. For this reason, we are not going to extend the comment period. (I also consulted with Joan and her response is below.)
- Becky

----- Forwarded by REBECCA FREY/R5/USEPA/US on 09/18/2012 11:49 AM -----

From: Joan Tanaka/R5/USEPA/US
To: REBECCA FREY/R5/USEPA/US@EPA,
Date: 09/18/2012 11:34 AM
Subject: Re: URGENT QUESTION: Extension of Time to File Comments--City of East Chicago - USS Lead proposed plan

Agreed to not extend. They have had 60 days and request was not timely.

Sent from BlackBerry

REBECCA FREY	Joan, The City of East Chicago has requested...	09/18/2012 10:37 AM CDT
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From: REBECCA FREY
To: Joan Tanaka
Cc:
Date: 09/18/2012 10:37 AM CDT
Subject: URGENT QUESTION: Extension of Time to File Comments--City of East Chicago - USS Lead proposed plan

Joan,
The City of East Chicago has requested another extension to the public comment period for the USS Lead proposed plan (see message below), but this time the request was made 5 days after the end of the comment period. I recommend that we not extend the comment period based on the fact that the request was not timely, but I wanted to get your thoughts before we reply to the city. Could you please send me a quick reply? Some brief background info is below.

Thanks,
- Becky

Background

- Initial comment period was scheduled to end August 11.
- City and one of the PRPs requested extension approximately one day before end of comment period.
- EPA extended comment period an additional 30 days, to September 12.
- City's email request for another extension (below) is dated September 17, five days after end of comment period.

----- Forwarded by REBECCA FREY/R5/USEPA/US on 09/18/2012 10:25 AM -----

From: Steven Kaiser/R5/USEPA/US
To: Michael Berkoff/R5/USEPA/US@EPA, REBECCA FREY/R5/USEPA/US@EPA,
Cc: Marcy Toney/R5/USEPA/US@EPA
Date: 09/17/2012 10:23 PM
Subject: Fw: Extension of Time to File Comments--City of East Chicago - FOIA Exempt

Do you think we can extend the comment period and finalize a 4th Quarter ROD?

Sincerely,

Steven P. Kaiser
Office of Regional Counsel
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 353 - 3804

-----Forwarded by Steven Kaiser/R5/USEPA/US on 09/17/2012 10:21PM -----

To: Steven Kaiser/R5/USEPA/US@EPA
From: Tony DeBonis <tony@sd1law.pro>
Date: 09/17/2012 11:48AM
Subject: Extension of Time to File Comments--City of East Chicago

Dear Mr. Kaiser:

As you will recall, the undersigned is Special Counsel to the City of East Chicago and Counsel to the East Chicago Sanitary District. You previously granted a thirty-day extension of time through September 10, 2012 to file comments on behalf of my clients on the proposed plan for Operable Unit 1 of the U.S.S. Lead Refinery Superfund Site in our city. We have not been able to complete the preparation of these comments within the time allowed, but expect to have them completed and delivered to you by September 25, 2012. Accordingly, I ask for an additional 15 day extension to and including that date.

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ANTHONY DeBONIS, JR.

[IMAGE]

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